



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY
Dennis Kennedy, Mayor	Dennis Kennedy, Chair
Hedy Chang, Mayor Pro Tempore	Hedy L. Chang, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Greg Sellers, Council Member	Greg Sellers, Agency Member
Steve Tate, Council Member	Steve Tate, Agency Member

WEDNESDAY, OCTOBER 1, 2003

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL AND REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

5:00 P.M.

A Special Meeting of the City Council and Redevelopment Agency is Called at 5:00 P.M. for the Purpose of Conducting Closed Sessions.

Dennis Kennedy, Mayor/Chairman

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

5:00 P.M.

City Council Action and Redevelopment Agency Action

CLOSED SESSION:

1.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Legal Authority: Government Code 54957
Public Employee Performance Evaluation: City Attorney
Attendees: City Council, City Attorney, John Shannon

2.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Authority: Government Code Sections 54956.9(b) & (c)
Number of Potential Cases: 2

3.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Legal Authority: Government Code 54956.8
Property: 215 Tennant Avenue, APN: 817-04-002
Negotiating Parties:
 For City: City Manager, Director of Public Works, and Attorney Gale Connor
 For Property Owners: Robert and Teresita Carrasco and Bruce Tichinin
Closed Session Topic/Under Negotiation: Price and Terms of Payment

4.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Legal Authority: Government Code 54956.8
Property: 95 Tennant Avenue, APN: 817-04-008
Negotiating Parties:
 For City: City Manager, Director of Public Works, and Attorney Gale Connor
 For Property Owners: Marko and Klara Gera
Closed Session Topic/Under Negotiation: Price and Terms of Payment

5.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Legal Authority: Government Code 54956.8
Property: 145 Tennant Avenue, APN: 817-04-008
Negotiating Parties:
 For City: City Manager, Director of Public Works, and Attorney Gale Connor
 For Property Owners: Joseph Hernandez, as trustee; et al
Closed Session Topic/Under Negotiation: Price and Terms of Payment

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PRESENTATION

Tobacco Prevention and Education Program

Sal Murillo

Santa Clara County Department of Public Health

FEMA Recognition of Public Works Community Rating System

Jim Ashcraft

Director of Public Works

CITY COUNCIL REPORT

Council Member Carr

CITY COUNCIL SUB-COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council Action

CONSENT CALENDAR:

ITEMS 1-10

The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

	Page
Time Estimate	
Consent Calendar: 1 - 10 Minutes	
1. <u>AQUATICS COMPLEX LEEDS CERTIFICATION</u>	1
Recommended Action(S): <u>Information Only</u> , Staff Will Report Back To Council Later During The Construction Period Prior To Deleting Leeds Certification.	
2. <u>RESOLUTION OF INTENT TO VACATE A PORTION OF BARRETT AVENUE AND SET TIME AND PLACE FOR PUBLIC HEARING</u>	3
Recommended Action(s):	
1. <u>Approve</u> the Resolution of Intent to Vacate a Portion of Barrett Avenue, Thereby Setting October 15, 2003 at 7:30 p.m. in the Council Chambers as the Time and Place for the Public Hearing; and	
2. <u>Direct</u> the City Clerk to Publish the Resolution of Intent as Required by Law.	
3. <u>ACCEPTANCE OF THE DOWNTOWN TRANSIT CENTER AT-GRADE PEDESTRIAN PROJECT</u>	9
Recommended Action(s):	
1. <u>Accept</u> as Complete the Downtown Transit Center At-Grade Pedestrian Crossing Project in the Final Amount of \$129,436; and	
2. <u>Direct</u> the City Clerk to File the Notice of Completion with the County Recorder's Office.	
4. <u>ACCEPTANCE OF SIDEWALK, CURB & GUTTER REMOVAL AND REPLACEMENT, PHASE II 2002-2003 PROJECT</u>	13
Recommended Action(s):	
1. <u>Accept</u> as Complete the Sidewalk, Curb & Gutter Removal and Replacement, Phase II 2002-2003 Project in the Final Amount of \$61,253; and	
2. <u>Direct</u> the City Clerk to File the Notice of Completion with the County Recorder's Office.	
5. <u>AUTHORIZE AGREEMENT TO INSTALL A FIBER OPTIC LINE TO THE NEW POLICE FACILITY</u>	17
Recommended Action(s):	
1. <u>Authorize</u> the City Manager to Prepare and Execute an Agreement, Not to Exceed \$35,000, to Install Fiber Optic Line and Two I-Net Hubs to Nearest City Hub for the New Police Facility, Subject to City Attorney Review; and	
2. <u>Approve</u> up to a 15% Increase (\$5,250) in the Agreement for Unforeseen Conditions.	
6. <u>SUBDIVISION APPLICATION SD-03-06: CENTRAL-CENTRAL PARK</u>	19
Recommended Action(s): <u>Take No Action</u> , Thereby Concurring with the Planning Commission's Decision Regarding Approval of the Subdivision Map.	
7. <u>SUBDIVISION APPLICATION SD-03-07: SUNNYSIDE-QUAIL CREEK DEVELOPMENT</u>	49
Recommended Action(s): <u>Take No Action</u> , Thereby Concurring with the Planning Commission's Decision Regarding Approval of the Subdivision Map.	
8. <u>APPROVAL OF RESOLUTION TO IMPLEMENT THE PROVISIONS OF SECTION (414)(h)(2) OF THE INTERNAL REVENUE CODE WITH THE BOARD OF ADMINISTRATION, CALIFORNIA PUBLIC EMPLOYEE'S RETIREMENT SYSTEM</u>	77
Recommended Action(s): <u>Adopt</u> Resolution.	

Time Estimate

Consent Calendar: 1 - 10 Minutes

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9. **ADOPT ORDINANCE NO. 1635, NEW SERIES**81
Recommended Action(s): Waive the Reading, and Adopt Ordinance No. 1635, New Series, and Declare That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING SECTION 3.56.130 of CHAPTER 3.56 (Development Impact Mitigation Fees) of TITLE 3 (Revenue and Finance) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL REGARDING EXEMPTION OF CONVERSIONS OF RESIDENCES TO COMMERCIAL USES AND/OF ADDITION OF LIMITED INCREASED SPACE IN STRUCTURES LOCATED IN CC-R DISTRICT FROM DEVELOPMENT IMPACT MITIGATION FEES.**
10. **ADOPT ORDINANCE NO. 1636, NEW SERIES**87
Recommended Action(s): Waive the Reading, and Adopt Ordinance No. 1636, New Series, and Declare That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING SECTION 12.02.190 (Exceptions) OF CHAPTER 12.02 (Street and Sidewalk Development) OF TITLE 12 (Streets, Sidewalks and Public Places) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL REGARDING EXEMPTION OF CONVERSIONS OF RESIDENCES TO COMMERCIAL USES AND/OF ADDITION OF LIMITED INCREASED SPACE IN STRUCTURES LOCATED IN CC-R DISTRICT.**

City Council Action

PUBLIC HEARINGS:

Time Estimate

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11. **10 Minutes** **DEVELOPMENT AGREEMENT DA-03-07: CENTRAL-CENTRAL PARK**93
Public Hearing Opened.
Please Limit Your Remarks to 3 Minutes. Public Hearing Closed
Council Discussion.
Action- **Motion to Waive** the Reading in Full of Ordinance Approving DA-03-07: Central-Central Park.
Action- **Motion to Introduce** Ordinance Approving DA-03-07: Central-Central Park. (Roll Call Vote)
12. **5 Minutes** **DEVELOPMENT AGREEMENT DA-03-08: SUNNYSIDE-QUAIL CREEK DEVELOPMENT**121
Public Hearing Opened.
Please Limit Your Remarks to 3 Minutes. Public Hearing Closed
Council Discussion.
Action- **Motion to Waive** the Reading in Full of Ordinance Approving DA-03-08 for Application MP-02-24: Sunnyside-Quail Creek.
Action- **Motion to Introduce** Ordinance Approving DA-03-08 for Application MP-02-24: Sunnyside-Quail Creek. (Roll Call Vote)

City Council Action

OTHER BUSINESS:

	<u>Time Estimate</u>		<u>Page</u>
13.	15 Minutes	<u>CONDUCT HEARING AND CONSIDER ADOPTION OF RESOLUTION OF NECESSITY FOR PROPERTY ACQUISITION FOR PROPOSED TENNANT AVENUE WIDENING</u> <u>Recommended Action(s):</u> 1. <u>Adopt</u> Resolution of Necessity for Portions of Property Identified as APN 817-04-002, 817-04-006 and 817-04-008 for the Proposed Tennant Avenue Widening Project; and 2. <u>Approve</u> the Expenditure of \$68,025.00, \$82,750.00, and \$111,950.00 for Properties 817-04-002, 817-04-006 and 817-04-008, Respectively; Plus Escrow and Closing Costs for the Acquisition of These Properties. Total Expenditures, Excluding Escrow and Closing Costs, is \$262,725.	149
14.	30 Minutes	<u>UPDATE OF THE RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (MEASURE P)</u> <u>Recommended Action(s):</u> 1. <u>Review</u> Proposed Amendments, 2. <u>Accept</u> Public Testimony, 3. <u>Provide</u> Comments to Staff by Minute Action; and 4. <u>Continue</u> Review to October 15, 2003.	167
15.	15 Minutes	<u>POLICY DIRECTION REGARDING OWNERSHIP ATTACHED HOUSING</u> <u>Recommended Action(s):</u> <u>Staff Recommends</u> a Project-by-Project Review of Requests for Zero Lot Line and Reduced Setback Detached Units.	205
16.	20 Minutes	<u>ART IN PUBLIC PLACES</u> <u>Recommended Action(s):</u> <u>Provide Direction</u> on How to Proceed with the Development of an Art in Public Places Policy.	209
17.	15 Minutes	<u>COUNCIL DISCUSSION OF ADVISORY COMMITTEE AND COMMISSION COMMUNICATIONS AND REPORTING RELATIONSHIPS, INCLUDING ROLE OF COUNCIL LIASONS</u> <u>Recommended Action(s):</u> Council <u>Discussion</u> and <u>Direction</u> .	215

Redevelopment Agency and City Council Action

OTHER BUSINESS:

	<u>Time Estimate</u>		<u>Page</u>
18.	15 Minutes	<u>OFF-SITE IMPROVEMENTS FOR DAY WORKER CENTER</u> <u>Recommended Action(s):</u> 1. <u>Direct</u> Staff to Negotiate and Prepare the Necessary Agreements, Not to Exceed \$175,000, to Fund the Off Site Improvements for the Day Worker Center; and 2. <u>Bring</u> Such Agreements to the Redevelopment Agency Board for Consideration.	217

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT